

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LHF PRODUCTIONS INC.,
Plaintiff,
v.
DOE-76.167.86.55,
Defendants.

Case No.: 16-CV-1035-AJB-WVG

**ORDER TO SHOW CAUSE RE:
PLAINTFF'S COUNSEL FAILURE
TO FOLLOW COURT ORDER**

I. BACKGROUND

Plaintiff LHF Productions, Inc. (“Plaintiff”) filed a Complaint against Doe-76.167.86.55 (“Defendant”), an Internet Protocol (“IP”) address, that alleges a single cause of action for direct copyright infringement of the motion picture *London Has Fallen*. (ECF No. 1.) On September 6, 2016, Plaintiff filed an *ex parte* Motion For Discovery seeking to subpoena the subscriber of the IP address. (ECF No. 10.) Plaintiff attached two exhibits, (ECF Nos. 10-4, 10-5,) containing the name and contact information of the subscriber identified by Time Warner Cable, which the Court ordered to be sealed and the exhibits refiled with the identifying information redacted. (*See* ECF Nos. 12, 13.) In that same Order, the Court ordered Plaintiff to refer to the subscriber generally and “attach a separate exhibit [under seal] that includes the subscriber’s identifying information in all future

1 filings until the alleged infringer(s) [are] identified.” (ECF No. 12 at 2.)

2 On September 16, 2016, Plaintiff filed another *ex parte* Motion For Discovery that
3 was improperly redacted as the identifying information was still visible through what
4 appeared to simply be dark marker over the text. (ECF No. 14.) The Court rejected the
5 filing and ordered the document stricken from the record. (ECF No. 17.) The Court held a
6 conference call with Plaintiff’s counsel where the Court explained the purpose of the order
7 to redact personal information and admonished counsel on the unprofessional attempt to
8 redact the document. The Court advised Plaintiff’s counsel that he would be required to re-
9 file the motion with proper redactions of personal information. Plaintiff’s counsel indicated
10 his complete understanding of what his responsibilities would be, not only in the present
11 case, but in all other cases involving this plaintiff.

12 On September 21, 2016, Plaintiff filed another *ex parte* Motion For Discovery that,
13 again, was improperly redacted. (ECF No. 18.) Accordingly, the Court rejected the filing,
14 ordered the document stricken from the record, and admonished Plaintiff’s counsel that if
15 “any further documents [were] not properly filed, counsel will incur sanctions from the
16 Court.” (ECF No. 21.) Plaintiff filed a properly redacted Motion on September 22, 2016.
17 (ECF No. 22.) The Court granted Plaintiff’s motion on September 30, 2016 and, again,
18 ordered that any future reference to the subscriber be “generally in public filings” and to
19 “attach a separate exhibit” of the subscriber’s identifying information under seal until the
20 alleged infringer(s) are identified. (ECF No. 25 at 3.)

21 Plaintiff filed a Motion for Extension of Time to File on October 28, 2016. (ECF
22 No. 30.) In the Motion, Plaintiff yet again identified the subscriber by name and provided
23 the subscriber’s address. (*Id.* at 1, 2.) Accordingly, the Court ordered the Motion stricken
24 from the record for failing to follow a court order. (ECF No. 31.)

25 **II. ORDER TO SHOW CAUSE**

26 Plaintiff’s counsel has repeatedly failed to follow simple court orders requiring
27 sensitive personal information to be excluded from public filings. Consequently, the Court
28

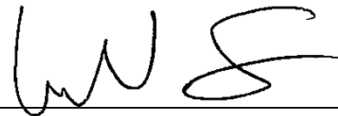
1 issues an **ORDER TO SHOW CAUSE** as to why Plaintiff's counsel should not be
2 sanctioned for his failure to follow court orders.

3 On **November 17, 2016**, at **8:30 a.m.**, in Courtroom 2A of the above-entitled Court,
4 this Court will hold an Order to Show Cause ("OSC") Hearing. Plaintiff's corporate
5 representative and Plaintiff's counsel shall appear personally. Plaintiff counsel shall show
6 cause why he continually fails to follow court orders.

7 On or before **November 4, 2016**, Plaintiff's counsel shall file a Declaration in response
8 to this OSC Order explaining his failure to follow the Court's orders and showing cause
9 why sanctions should not be imposed. The Declaration shall not exceed **five pages**,
10 excluding exhibits.

11 **IT IS SO ORDERED.**

12 Dated: October 31, 2016



Hon. William V. Gallo
United States Magistrate Judge